

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, SE LOCATED BETWEEN FULTON STREET AND SOLOMON STREET CONSISTING OF 0.177 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 53 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the agent for the abutting property owners, to abandon a portion of Fraser Street, S.E. located between Fulton Street and Solomon Street, consisting of 0.177 acres, more or less, for purpose of using the said property for their own private use; and

WHEREAS, the abandoned portion of Fraser Street will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the request to abandon said streets has been reviewed by the proper City agencies and by all public utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:**

Section 1. That the portion of Fraser Street, S.E. located between Fulton Street and Solomon Street, consisting of 0.177 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia ("Property"), same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2. That the City hereby expresses its intent to abandon the said portion of Fraser Street.

Section 3. That the abutting property owners have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Fraser Street.

Section 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 5. That the Chief Procurement Officer is hereby directed to prepare an appraisal of the fair market value of the abandoned portion of Fraser Street and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6. That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Fund, Account, and Center Number 3P02 491102 M22F03349999.

Section 7. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.

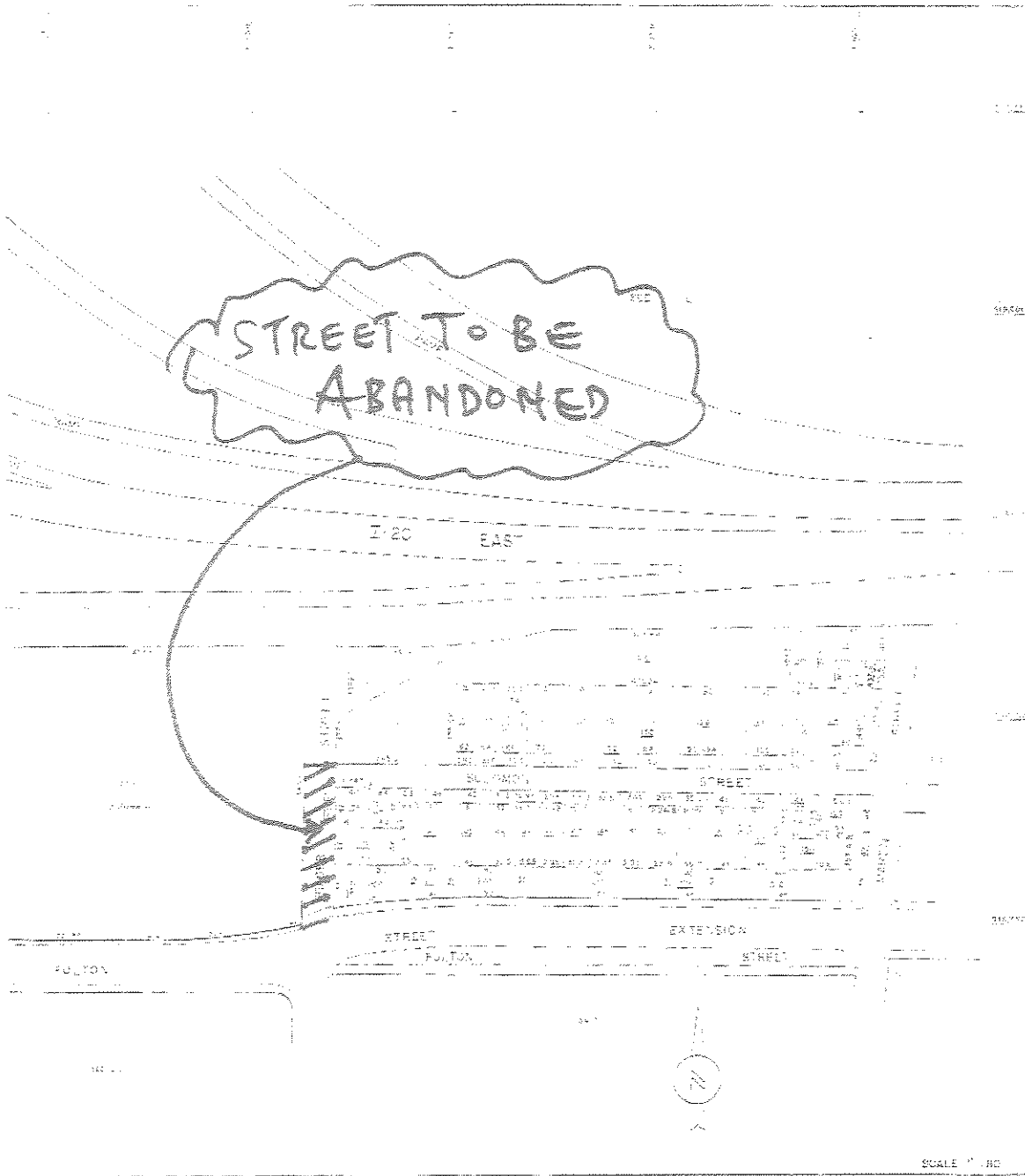
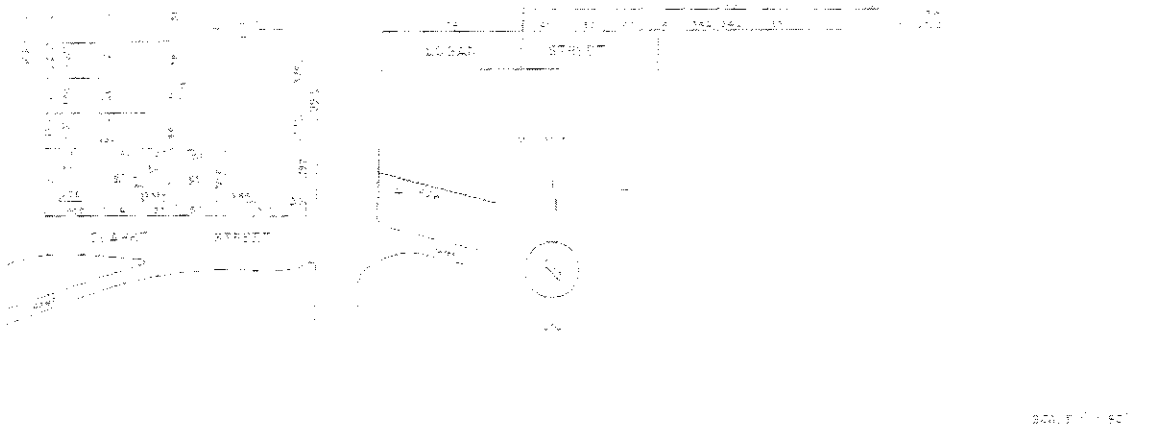
Property Description
Capital City Properties, Inc.
Fulton Street, S.E.
City of Atlanta
Fulton County, Georgia

FRASER STREET ABANDONMENT

All that tract or parcel of land lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a pk nail found at the intersection of the northerly right-of-way of Fulton Street, S.E. (a variable width right-of-way) with the westerly right-of-way of Fraser Street, S.E. (a variable width right-of-way), said pk nail found being the **TRUE POINT OF BEGINNING**. Thence departing the said northerly right-of-way of Fulton Street, S.E. and continuing with the said westerly right-of-way of Fraser Street, S.E., North 00 degrees 20 minutes 53 seconds East, a distance of 197.75 feet to a point; Thence continuing through the said right-of-way of Fraser Street, S.E., South 89 degrees 42 minutes 42 seconds East, a distance of 38.70 feet to a 1/2 inch rebar found at the intersection of the easterly right-of-way of the said Fraser Street, S.E. with the northerly right-of-way of Solomon Street, S.E. (a variable width right-of-way); Thence continuing through the said right-of-way of Solomon Street, S.E., South 00 degrees 31 minutes 08 seconds East, a distance of 30.00 feet to a chiseled x found at the intersection of the said easterly right-of-way of the said Fraser Street, S.E. with the southerly right-of-way of the said Solomon Street, S.E.; Thence departing the said southerly right-of-way of Solomon Street, S.E. and continuing with the said easterly right-of-way of the said Fraser Street, S.E. the following two courses: South 00 degrees 31 minutes 05 seconds East, a distance of 93.36 feet to a pk nail found; Thence South 00 degrees 11 minutes 39 seconds East, a distance of 63.32 feet to a pk nail found at the intersection of the said easterly right-of-way of the said Fraser Street, S.E. with the said northerly right-of-way of Fulton Street, S.E.; Thence departing the said easterly right-of-way of the said Fraser Street, S.E. and continuing with the said northerly right-of-way of Fulton Street, S.E., South 75 degrees 13 minutes 53 seconds West, a distance of 42.64 feet to a pk nail found at the said intersection of the said northerly right-of-way of Fulton Street, S.E. with the said westerly right-of-way of Fraser Street, S.E., said pk nail found being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 0.177 Acres.



Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, SE LOCATED BETWEEN FULTON STREET AND SOLOMON STREET CONSISTING OF 0.177 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 53 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Council Meeting Date: November 5, 2007

Requesting Dept.: Public Works

FAC Confirmed by: N/A

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

THE PURPOSE OF THIS LEGISLATION IS TO
ABANDON CITY OF ATLANTA RIGHT-OF-WAY FOR
DEVELOPMENT.

2. Please provide background information regarding this legislation.

the City of Atlanta ("City") has received a formal request from the agent for the abutting property owners, to abandon a portion of Fraser Street, S.E. located between Fulton Street and Solomon Street, consisting of 0.177 acres, more or less, for purpose of using the said property for their own private use. The abandoned portion of Fraser Street will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: WAHAB ALABI

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya BelgraveContact Number: 6002Originating Department: Public WorksCommittee(s) of Purview: City Utilities CommitteeChief of Staff Deadline: October 19, 2007Anticipated Committee Meeting Date(s): October 30-31, 2007Anticipated Full Council Date: November 5, 2007Legislative Counsel's Signature: Terry Grandison TerryCommissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, SE LOCATED BETWEEN FULTON STREET AND SOLOMON STREET CONSISTING OF 0.177 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 53 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$2500.00

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: 10/5/07

(date)

Reviewed by: _____

(date)

Submitted to Council: _____

(date)